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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION**

GLENN FITE, individually and acting on  
behalf of a class of similarly situated  
employees,

Plaintiff,

vs.

SHAMROCK FOODS COMPANY, an Arizona  
Corporation, JOHN FERNANDES, an  
individual, and DOES 1-50, inclusive,

Defendants.

Case No: 2:21-cv-00023-JAM-KJN

Before the Hon. John A. Mendez

**STIPULATION CONSENTING TO  
PLAINTIFF'S FILING FIRST AMENDED  
COMPLAINT; ORDER**

[Pursuant to Fed. R. Civ. Proc. 15(a)(2)]

1                   **TO THE HONORABLE COURT AND ALL INTERESTED PARTIES AND THEIR  
2 COUNSEL OF RECORD:**

3                   Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, Plaintiff GLENN FITE,  
4 (“Plaintiff”) by and through his counsel of record, Mallison & Martinez, and Defendants  
5 SHAMROCK FOODS COMPANY and JOHN FERNANDES (collectively, “Defendants”) by and  
6 through their counsel of record, Conn Maciel Carey LLP, stipulate to the filing of Plaintiff’s First  
7 Amended Complaint. In support of this stipulation, the Parties state as follows:

8                   WHEREAS, Plaintiff filed his Complaint against Defendants on January 5, 2021;

9                   WHEREAS, in the Complaint, Plaintiff sets forth eight (8) claims for relief on behalf of  
10 himself and a class of similarly situated individuals;

11                  WHEREAS, Defendants have informed Plaintiff of the existence of an alleged arbitration  
12 agreement, which purportedly covers the individual and class claims at issue;

13                  WHEREAS, Defendants must file a responsive pleading no later than April 23, 2021;

14                  WHEREAS, in order to avoid unnecessary law and motion practice, Plaintiff and Defendants  
15 have consented to the dismissal of Plaintiff’s individual and class claims without prejudice;

16                  WHEREAS, Defendants consent to Plaintiff filing a First Amended Complaint pursuant to  
17 Federal Rule of Civil Procedure 15(a)(2).

18                  NOW THEREFORE, the Parties STIPULATE as follows and respectfully request the Court  
19 adopt as an order:

20                  1. Plaintiff is permitted to file a First Amended Complaint no later than 7 days after the  
21 Court’s order granting Plaintiff leave to file the First Amended Complaint.

22                  2. Defendants shall file a responsive pleading to the First Amended Complaint within 21  
23 days of service of the filed First Amended Complaint.

24                  3. The deadline for Defendants to file a responsive pleading to the original Complaint is  
25 stayed pending the Court’s decision on this stipulation.

26                  //

1 Respectfully submitted,

2 Dated: April 19, 2021

3 **MALLISON & MARTINEZ**

4 By: /s/ Liliana Garcia

5 Stan S. Mallison  
6 Hector R. Martinez  
7 Liliana Garcia

8 Attorneys for Plaintiff

9 Dated: April 19, 2021

10 **CONN MACIEL CAREY, LLP**

11 By: /s/ Andrew Sommer

12 Andrew Sommer

13 Attorneys for Defendants  
14 Shamrock Foods Company and John  
Fernandes

## ORDER

The Court, having fully considered the Parties' Stipulation Consenting to Plaintiff's Filing First Amended Complaint, HEREBY ORDERS as follows:

1. Plaintiff is permitted to file a First Amended Complaint no later than 7 days after the date of this order.
2. Defendants shall file a responsive pleading to the First Amended Complaint within 21 days of service of the filed First Amended Complaint.

## **IT IS SO ORDERED.**

DATED: April 19, 2021

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ  
UNITED STATES DISTRICT COURT JUDGE